

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**RIO PIEDRAS EXPLOSION
LITIGATION**

**Consolidated Case
Civil No. 96-2443(JAF)**

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 SAN JUAN, P.R.

FINAL CONFERENCE REPORT

The final meeting with parties' representatives was held on September 30, 2004. The conference was attended by Attorneys Francisco Bruno and Steve Lausell, members of the PSC; Héctor M. Sánchez-Moll, CPA for the PSC; Sigfredo Vélez, Vice President, Banco Santander; Edith Ríos, Financial Administrator/Supervisor, U.S. District Court; Attorneys Charles Cheek and Raúl Dávila, representing Enron Corp.

On the same date a telephone conference was held with Honorable Héctor López-García, Superior Judge, presiding in the related state consolidated cases.

CPA Sánchez-Moll provided a summary of balances, transactions within and status of the all bank accounts. This information consisted of the following:

1. The balances in all bank accounts under the custody of Banco Santander as of September 30, 2004, were:

Private Settlement Account	\$	0.00
Global Settlement Account	\$	0.00
"5% Account"	\$	3,151,061.00
"10% Account"	\$	219,602.00
Escrow Account	\$	10,000.00 ¹
Rochet Account	\$	215,904.00 ²

¹ These \$10,000 related to the 10% deducted from the settlement award of Carmen Pastrana (the mother of minor Carmen Marrero Pastrana) that were to provide for attorney's fees payment. This amount will remain consigned with Banco Santander until Superior Judge López-García decides if said payment is to be made to the PSC or plaintiff Carmen Pastrana.

² This amount has been deposited with the Clerk of Court, U.S. District Court, for subsequent distribution. Said balance consists of the sums attributable to attorneys' fees and related litigation expenses in approximately 23 cases wherein Attorney Nelson Rochet-Santoro represented all plaintiffs. (See Attachment 2.)

2. The Accountant provided detailed reports (brown binder) on:
 - a. Total Private Settlement Cases processed by his office.
 - b. Total Global Settlement Cases processed by his office.
 - c. Control List of all plaintiffs participating in the distribution of the surplus balance in the "5% Account" at Banco Santander.
 - d. Separate Schedule of Income Loss Cases participating in the distribution of the surplus balance in the "5% Account" at Banco Santander and the corresponding tax withholding computation.
 - e. Separate Schedule of Minor Cases participating in the distribution of the surplus balance in the "5% Account" at Banco Santander. Payment distribution to minors are to be deposited by Banco Santander with the Commonwealth of Puerto Rico, Court of First Instance, San Juan Part. Banco Santander will provide to this Court, **not later than October 31, 2004**, evidence or certification that said funds have been disbursed and deposited with the state court.

A memorandum or letter has been prepared wherein plaintiffs are being advised of the procedure followed for the distribution of the final amounts of the surplus cash in the "5% account." The memorandum was reviewed and approved. The same will be provided to each plaintiff at the time the final payment distribution is claimed.

Banco Santander submitted and consigned with the Clerk of Court payment of checks previously unclaimed by plaintiffs. These are: Heirs of Enrique Reina (1 check); Víctor Colón (1 check); Peter Satz (2 checks, attorney's fees in the above named cases); Carmen Hernández; Nelson

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Rochet;³ Sonya Acosta and Johanna Acosta; Pedro Fernández; Sandra González and Plácido González.⁴

In this regard the record reflects that plaintiff Carmen Hernández was being represented by Attorney Freddie Hernández. Accordingly, the Clerk of Court will proceed to provide notice to Attorney Freddie Hernández who will be required, **within the next fifteen (15) days**, to provide a Certification of Guardianship, if available. Notice is to be provided by the Clerk of Court to the heirs of Ramona Acosta, at their last known address. Notice is to be also provided, if possible, by telephone. Information available indicates that plaintiff Pedro Fernández is in active military service. However, it is understood that the address and/or telephone number of Mr. Fernández's mother is available to the Clerk of Court. Accordingly, the Clerk of Court is to provide notice to and through Mr. Fernández's mother.

Subject to the Court's approval Banco Santander is to proceed, **forthwith**, with the disbursement and payment:

1. To plaintiffs of all amounts deposited within the "5% Account" (\$3,151,061); and
2. To members of the PSC of all amounts deposited within the "10% Account" (\$219,062).

Once all payments are issued, Banco Santander will proceed to administratively close all accounts and once done will so certify to the Court by means of an Informative Motion or Statement.

All parties are placed on notice that, unless any objections or concerns are raised, in writing, before this Court **on or before December 31, 2004**, CPA Sánchez-Moll is authorized to proceed to destroy or otherwise dispose of all records and working sheets within his custody.

³ This is a payment in the amount of \$440.00 which, pursuant to Judge Robert Ward's Order, is to be deposited with the Clerk of Court.

⁴ These two checks are to be issued by Banco Santander to correct typographical errors in the payees' names.

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All individual plaintiffs' attorneys will provide notice to each client, at their last known address, of the following:

1. As of September 30, 2004, the balance within the 5% Account that is to be distributed to all plaintiffs is \$3,151,061. Each plaintiff will be allocated a percentage of said amount consistent with the percentages previously allocated pursuant to the Judgment entered by District Judge Robert J. Ward.

2. The amounts comprising the last payment of each plaintiff will be deposited with the Clerk of court and will remain available for immediate disbursement once plaintiffs appear and claim payment. Plaintiffs will be required to submit proper identification and sign a payment receipt.

3. All attorneys will be required to submit to the Clerk of Court **within sixty (60) days** upon receipt of this Order, an Informative Motion attesting to the fact that notice was issued to all their clients and to provide a listing of all those to whom he/she was unable to contact.

4. All plaintiffs will be **GRANTED a sixty (60) day term** thereafter in which to claim their payments. Amounts unclaimed will be thereafter deposited in an interest bearing account, until claimed by plaintiffs

5. Amounts payable to minors will be consigned and must be claimed before the Commonwealth Court of First Instance, San Juan Part.

All notices to counsel are to be issued **forthwith**.

SO ORDERED.

At San Juan, Puerto Rico, this 14th day of October, 2004.


S/AIDA M. DELGADO-COLON
U.S. Magistrate-Judge